IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2657 of 2007

(CRIME NO. 261/2007 OF KASARAGOD POLICE STATION

PETITIONERS/ACCUSED 1 & 6.

1. S.M.NOUSHAD, S/O. USMAN S.M.,
AGED 22 YEARS, DELI JUNCTION, KALAVAD VILLAGE, KASARAGOD.

2. JAFFAR V.M.,
S/O. MOHAMMAD KUNHU, AGED 20 YEARS, DELI JUNCTION, KALAVAD VILLAGE, KASARAGOD.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS: COMPLAINANT.

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (THROUGH SUB INSPECTOR OF POLICE, KASARAGOD POLICE STATION).

BY PUBLIC PROSECUTOR SRI. P.A.SALIM

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2657 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioners are respectively Accused Nos.1 and 6 in Crime No.261/07 of Kasaragod Police Station, registered for offences under Sections 143, 147, 148, 324 and 153A IPC read with Section 149 thereof. The occurrence in the case is stated to have taken place on 10.4.2007. There is a counter case also registered as Crime No.262/07 of Kasaragode Police Station for offences under Sections 147, 148, 324 and 153A IPC read with Section 149 thereof, wherein also the occurrence is alleged to have taken place on 10.4.2007. Considering the entire circumstances of the case, I am of the view that the petitioners are entitled to be granted anticipatory bail.

In the result, I allow this bail application and direct that:

(i) the petitioners do surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) that on such surrender and on each of them depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioners shall be enlarged on bail;

(iii) that on such release the petitioners shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) that the grant of anticipatory bail shall

not stand in the way of the learned Magistrate granting custody of the petitioners to the Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv